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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-06-00685 SBA
)	
12 Plaintiff,)	STIPULATION AND ORDER FOR PRE-
)	PLEA REPORT, AND EXCLUDING
13 vs.)	TIME
)	
14 OSCAR ROLDAN-MORAN,)	Current Date: November 30, 2006
)	Requested Date: February 20, 2007
15 Defendant.)	
_____)	
16		

17 Mr. Roldan-Moran is charged with one count of illegal reentry. The parties are
18 scheduled to appear before the Court on Thursday, November 30, 2006 at 10:00 a.m. for change
19 of plea. The government has provided the defense with Mr. Roldan-Moran's A-file and rap
20 sheet, and the defense has done all the investigation it is able to do with the documents available.
21 Unfortunately, neither the government nor the defense has been able to establish with certainty
22 whether Mr. Roldan-Moran has one or two burglary priors, and neither the government nor the
23 defense has been able to establish with certainty Mr. Roldan-Moran's likely Sentencing
24 Guideline recommendation. This means that Mr. Roldan-Moran's counsel has been unable to
25 advise her client regarding his exposure, and the government has been unable to adequately
26 consider Mr. Roldan-Moran's request for a Fast Track or other resolution. Therefore, the parties

1 jointly request that this Court order a Pre Plea report, so that Mr. Roldan-Moran can be advised
 2 about his potential exposure, and so that the parties can determine whether they can enter into a
 3 plea agreement, or whether Mr. Roldan-Moran will plead guilty without a plea agreement.
 4 Neither party believes that this case will go to trial.

5 The parties further stipulate and agree that the matter should be continued to Tuesday,
 6 February 20, 2007. A continuance of this length is necessary so the probation office has
 7 adequate time in which to complete the Pre-Plea Report. The parties stipulate and agree that the
 8 ends of justice served by the continuance requested herein outweigh the best interest of the
 9 public and the defendant in a speedy trial because the failure to grant the continuance would
 10 deny the counsel for the defendant the reasonable time necessary for effective preparation, taking
 11 into account the exercise of due diligence. This is so because the parties, despite their diligence,
 12 have been unable to ascertain the facts about Mr. Roldan-Moran's history that are necessary
 13 before they can proceed. The parties therefore stipulate and agree that time should be excluded
 14 pursuant to 18 U.S.C. §§ 3161(8)(A) and (B)(iv).

15 /S/

16 Date: 11/17/06

 Rebecca Sullivan Silbert
 Assistant Federal Public Defender

18 /S/

19 Date: 11/17/06

 Vineet Gauri
 Assistant United States Attorney

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
 21 "conformed" signature(/S/) within this e-filed document.

22 Based on the stipulation above, the Court hereby ORDERS that the probation department
 23 prepare a Pre-Plea Report in the above-captioned matter. The Court further vacates the
 24 November 30 appearance, and continues this matter to 9:00 a.m. on Tuesday, February 20, 2007.

25 Moreover, based on the reasons provided in the stipulation of the parties above, the Court
 26 hereby FINDS that the ends of justice served by the continuance requested herein outweigh the

1 best interest of the public and the defendant in a speedy trial because the failure to grant the
2 continuance would deny the counsel for the defendant the reasonable time necessary for effective
3 preparation, taking into account the exercise of due diligence. The Court makes this finding
4 because, despite their diligence, the parties require a Pre-Plea Report before proceeding, and the
5 probation office needs sufficient time within to complete an accurate report.

6 Based on these findings, IT IS HEREBY ORDERED THAT the probation department
7 shall complete a Pre-Plea report, that the above-captioned matter is continued to 9:00 a.m. on
8 Tuesday, February 20, 2007, and that time is excluded from November 30, 2006 to February 20,
9 2007, pursuant to 18 U.S.C. §§3161(h)(8)(A) and (B)(iv)

10
11 IT IS SO ORDERED.

12
13 11/21/06

14 Date

